

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**JOHN UTESCH,**

**Plaintiff,**

**v.**

**LANNETT COMPANY, INC., ARTHUR P.  
BEDROSIAN, and MARTIN P. GALVAN,**

**Defendants.**

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**No. 2:16-cv-05932-WB**

**Judge Wendy Beetlestone**

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**REPORT OF THE SPECIAL MASTER AS TO DEFENDANTS' PRODUCTION OF  
DOCUMENTS IN RESPONSE TO PLAINTIFFS' AMENDED FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS**

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Pursuant to paragraph 2(d) of the Court's October 20, 2020 Order [ECF No. 129] and the Court's July 7, 2021 Order [ECF No. 187] extending the Special Master's appointment through the close of discovery, the Special Master submits this Report regarding defendants' production of documents in response to plaintiffs' Amended First Request for Production of Documents ("RFP").

**BACKGROUND**

This Report and accompanying Order memorialize the resolution of a dispute involving the parameters (primarily custodians and search terms) to be used for defendants' production of documents in response to plaintiffs' RFP. Plaintiffs' RFP initially was served on defendants on March 31, 2020. Defendants initially responded to the RFP on May 4, 2020. After discussions between the parties and resolution of other disputes involving defendants' production of documents, plaintiffs outlined on April 7,

2021 a set of proposed parameters (again, primarily custodians and search terms, but also relevant time periods and non-custodial document sources) for a number of the requests. Defendants responded on May 2, 2021, and the parties thereafter engaged in additional discussions, as well as an exchange of letters (on July 12, 2021, July 26, 2021, and August 9, 2021) comprehensively setting forth their respective positions on the parameters for defendants' production of documents.

The Special Master then held two lengthy conferences with the parties on August 20, 2021 and August 31, 2021, during which the Special Master and the parties discussed the remaining disputed issues. Following the second conference, the Special Master requested that the parties consider whether there were additional areas for potential compromise, particularly in light of the Special Master's suggestions regarding the remaining areas of dispute, and then submit their final positions to the Special Master regarding any open issues. Plaintiffs did so on September 21, 2021, and defendants did so on September 27, 2021.

The Special Master considered all of the parties' written submissions, the arguments made and discussions held during the two August 2021 conferences, and the applicable law, and, on October 7, 2021, outlined for the parties a recommended resolution of the remaining disputed issues. The parties indicated their acceptance of the Special Master's recommendation on October 14, 2021.

#### **RECOMMENDATION**

The Special Master recommends that the Court enter the Order accompanying this Report, which reflects the Special Master's recommendations that the parties accepted

on October 14, 2021, as well as the parties' agreement regarding additional parameters for defendants' production of documents in response to plaintiffs' RFP.

Respectfully submitted,

/s/ Bruce P. Merenstein

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